

Bart
DR. J. ALLEN'S

REFUTATION AND VINDICATION

OF THE CHARGRS ALLEGED AGAINST HIM BEFORE THE

American Society

OF

DENTAL SURGEONS;

AT THEIR LAST ANNUAL MEETING

IN AUGUST, 1847.

FOR HIS HAVING OBTAINED A PATENT FOR AN INVENTION FOR
RESTORING THE

CONTOUR OF THE FACE.

Dr. J. Allen's Office
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REFUTATION AND VINDICATION.

In justice to the profession to which I belong, as well as to myself, and the community in which I live, I deem it proper to correct some of the misstatements made with reference to me in the course of the proceedings of the last annual meeting of the American Society of Dental Surgeons.

In Looking over the proceedings of the meeting I find the following: "Your Committee appointed to take into consideration the case of Dr. Allen, of Cincinnati, relating to the course pursued by him towards this Society, in respect to an invention which he has had patented, for remedying deformities of the face, report, That whereas, after having fully offered the benefits of his invention to every member of the Society, to be used gratuitously, that without their knowledge, he had secured a patent therefor."

Now let us correct as we proceed, for with all due deference to the Committee who got up the report, I must state most positively it is erroneous. The FACTS are these, with reference to this allegation, I had secured my patent PREVIOUS to the meeting of the Society in 1845, at which time I first brought the subject before the association, and this was KNOWN to several members who were present at the time the medal was awarded, as I did not hesitate to speak of it freely in connection with the patent, for I did not deem it WRONG, and there were other members of the association

(whose names, from personal considerations I withhold for the present) who thought it no more wrong under the circumstances to patent it, than I did inasmuch as it was entirely out of the usual modus operandi of Dental Surgery.

If it was designed to mitigate the sufferings of humanity, it would come under a different head altogether; but it does not claim to *ameliorate* the condition of man, as in the medical or dental professions generally, but is a mere matter of *taste* or *pride*, as it claims only to restore the form of the face, in cases where it has become sunken, to its original configuration, combining, it is true, all the advantages of artificial teeth, with the most perfect restoration in the form of the face.

The members above referred to, who *knew* all the facts, and as I remarked, were *present* at the time the medal was awarded, were among the founders of the society, and whose names will be handed down to posterity as bright stars in the galaxy of their profession, and who would sooner have their right arm severed from the body than *sanction* a wrong act, and *these* are the men with whom I took counsel in relation to this whole matter, and acted accordingly. Therefore this imputation, of my having secretly obtained a patent, for my invention, *after* having bestowed it gratuitously upon the society, falls to the ground in the face of facts.

Now, with reference to my having freely offered the benefits of my invention to every member of the society, let us refer to the language employed by me upon that occasion, as recorded in the first number of the sixth volume, of the Dental Journal, page thirty-two, which reads thus: "Having tested fully, the practicability of this improvement, I most respectfully SUBMIT it to the *consideration* of this association."

Whereupon the society made their award, as I supposed in due appreciation of its merits, without any other consideration. Now the reader will perceive at once, that the language employed upon that occasion, conveyed no such idea as the committee have reported, as they would have *seen* if they had taken the FACTS, for their guide instead of mere supposition.

After the close of the meeting, feeling a sense of gratitude towards the society for the very prompt and unanimous action they had taken, in making the award, I remarked to some of my friends, that I intended to extend special privileges, to the members of the society, that one of my principal objects, in securing a patent, was to hold it in the hands of competent operators, that it might not share the fate of all *other* operations that are attempted by those who are not skilled in their profession; for I was fully aware, that such was the nature of my invention, that if I were to throw it abroad indiscriminately to all who might call themselves dentists, it would be immediately seized upon and HAWKED about the country in a manner *prejudicial* to the invention, *detrimental* to me, and far the less beneficial to the community at large, than if in the hands only of those who are fully competent.

Again, the report says: "And that whereas he saw fit at a subsequent period, to make an attempt to exact from members who might be disposed to use it, a certain percentage for the privilege of using it. Your committee deem his conduct highly reprehensible." With reference to this charge, I have only to remark, that after mature deliberation, it was found that the interest of the members of the society could be promoted better in this way than any other that could be adopted, for if special privileges or rights were confer-

red on individual members, it became necessary that those rights should be protected, otherwise they would soon be trespassed upon by others without any means of redress, for it could not be expected, that a patentee could stand ready, with his coffers full, at all times to protect these members from infringements upon their rights without any indemnity whatever. It was therefore to obviate this difficulty that the requisition of a percentage of the profits, arising from the application of the improvement, was made in order that the patentee, would be justifiable in protecting those who should adopt it in their practice, as there would then be, a mutual interest that could be maintained. This step, too, was taken by, and with the advice, and approval of some of the leading members of the society, whom I will hereafter name, if it becomes necessary.

Several members of the society who have adopted it, in their practice, have expressed their decided preference, to the above conditions, to any other that could have been proffered.

Again, "And whereas Dr. Allen has made such use of the fact of a gold medal having been presented to him by this society, as the society do not contemplate, in making such awards, and cannot approve or sanction."

This charge is so vague, and indefinite, that I do not know the objectionable features to which they refer.

If they think I have given it too much *publicity*, I will state most *positively* I have never written three lines upon the subject since I received it. I have shown it to some of my friends, who desired to see it, for I did not know that it was wrong to do so, and some of my editorial friends have given it a passing notice in their papers, from which I have taken a few

extracts, which may be seen upon my circular. I have heard of straining at gnats, &c., but enough.

And now I would ask, if the course pursued towards me in this case, can be regarded as a safe and judicious one. I think not, for by this precedent any member, through personal envy, or private pique, may be hurled unceremoniously from his station, however exalted. Though he may have been struggling for twenty years, to attain the highest degree of professional fame, in his absence from a meeting of the society, FALSE charges may be preferred against him, his purest and best motives may be impugned, and a construction put upon them that he never intended. One side of the question only is heard, for he is denied a hearing; no defence or explanation is admitted; he is arraigned, tried and condemned, and his sentence of condemnation at once published to the world, and the first intelligence he has of it, meets his eye in the public journals of the day.

This course of procedure evinces one of two things; either that there is a very great want of judicial knowledge, or an embodiment of discordant elements in the society, that I fear will "SINK it so DEEP, that the hand of resurrection can never reach it."

With reference to patents, if it is wrong for inventors to receive them, it must be equally wrong for the government to grant them. Why then has it established a special department for this purpose, regarding it as one of the most important bulwarks for the prosperity of our country? It was for the purpose of encouraging, developing, and protecting, the genius and enterprise of her citizens, and it is to the genial influence of this institution, that we are indebted for many of the most important inventions and improvements of

the age ; for unless genius and enterprise are allowed to reap their just and merited reward, their energies would soon become paralyzed, and they would sink into that state of apathy, which characterizes all other nations, where they are not encouraged.

And shall a few individuals, formed into a self constituted society, repudiate the acts of our government, and thereupon pass resolutions for their rule of action, which are diametrically opposed to the laws and institutions of our country?

And shall said society have the power to snatch from any member, at pleasure, his *character*, his *reputation*, and his *interests*, with *impunity*, whenever personal envy, or private pique, shall prompt it, by passing special resolutions to make *that* a *penal offence*, which our government recognizes as right and honorable, and which is admitted by the civilized world ?

There are undoubtedly drones in every *hive* of industry, who are always ready to claim an equal share of all that is produced by any one of its members, no matter how much time and treasure it may have cost an INDIVIDUAL, (for other members of the *hive* bear no proportion of these,) to perfect his design. As soon as it is perfected, there are those who are ready to pass resolutions, making it derogatory to his character as a gentleman, to hold that, as his own, which belongs to him; nor must he claim to be the father or guardian of his own invention. If he does, it is regarded as highly detrimental to the interests of the other members of the fraternity; Therefore, RESOLVED, That a vote of censure be passed upon him.

J. ALLEN, D. D. S.

Cincinnati, Dec. 19, 1847.